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37476	7590	08/13/2008		
WHITE-WELKER & WELKER, LLC			EXAMINER	
P.O. BOX 199			STRODER, CARRIE A	
CLEAR SPRING, MD 21722-0199				
		ART UNIT	PAPER NUMBER	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/724,908

**Applicant(s)**

TURETSKY ET AL.

**Examiner**

CARRIE STRODER

**Art Unit**

4154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☒ Claim(s) 1,3,4, 10-16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- Paper No(s)/Mail Date \_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

1. Claims 14 - 16 are being treated under 35 U.S.C. 112, sixth paragraph.

***Drawings***

2. The drawings were received on 3/31/2004. These drawings are unacceptable.

3. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the images are blurred, not legible, text is cut off by the margins of the page, and the drawings contain hand written corrections. Fig. 3b, #5 leaves the "e" off of the word "the" twice. Fig. 5a leaves the "e" off of the word "the" in numbers 2, 3, and 6. There should also be an "s" on the end of "handle" in Figure 5a, #2. Fig. 5b leaves the "e" off of the word "the" in #3 and the letter "o" off of the word "of" in block 552. The blurred and illegible portions of the drawings may have additional inaccuracies, but Examiner is unable to read them. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment

Art Unit: 4157

of the application. The requirement for corrected drawings will not be held in abeyance.

#### **INFORMATION ON HOW TO EFFECT DRAWING CHANGES**

##### **Replacement Drawing Sheets**

Drawing changes must be made by presenting replacement sheets which incorporate the desired changes and which comply with 37 CFR 1.84. An explanation of the changes made must be presented either in the drawing amendments section, or remarks, section of the amendment paper. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). A replacement sheet must include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of the amended drawing(s) must not be labeled as "amended." If the changes to the drawing figure(s) are not accepted by the examiner, applicant will be notified of any required corrective action in the next Office action. No further drawing submission will be required, unless applicant is notified.

Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and within the top margin.

##### **Annotated Drawing Sheets**

A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be submitted or required by the examiner. The annotated drawing sheet(s) must be clearly labeled as "Annotated Sheet" and must be presented in the amendment or remarks section that explains the change(s) to the drawings.

##### **Timing of Corrections**

Applicant is required to submit acceptable corrected drawings within the time period set in the Office action.

Art Unit: 4157

See 37 CFR 1.85(a). Failure to take corrective action within the set period will result in ABANDONMENT of the application.

If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings MUST be filed within the THREE MONTH shortened statutory period set for reply in the "Notice of Allowability." Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136 for filing the corrected drawings after the mailing of a Notice of Allowability.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The application does not sufficiently describe what is meant by "ping data," as set forth in letter (f). Examiner assumes that applicant's "ping data" is data entered by the user of the system, or by other means, which may change over time.

Art Unit: 4157

6. Claim 2 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The application does not sufficiently describe what is meant by "most effective rates, carriers, routes, and sources of goods." The criteria for determining the most effective rates, carriers, routes, and sources of goods are not disclosed in the specification.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The application does not sufficiently describe what is meant by "ping data," as set forth in letter (f).

#### ***Claim Objections***

9. Claim 1 is objected to because of the following informalities: using "product/catalog/SKU level" in the

Art Unit: 4157

claim. The use of the slash is ambiguous. The applicant should state either "and," "or," or "and/or." Appropriate correction is required. Examiner assumes "and/or" will be chosen.

10. Claim 3 is objected to because of the following informalities: the repeated use of "and." The applicant states "...to calculate consolidation, deconsolidation, and transportation requirements, and delivery methods." The first "and" is redundant. Appropriate correction is required.

11. Claim 4 is objected to because of the following informalities: parts (a) and (b) do not include the word "and" before the last item in a list; (c) does not include the word "to" between "authorities regulations" and "perform post entry"; and (d) does not include "said" or "the" between "archive" and "input managing data." Appropriate correction is required.

12. Claims 10 - 16 are objected to because of the following informalities:

- a. the numbering of the claims is inconsistent, more specifically, there are parentheses around numbers 10 - 16 which should be removed; and

Art Unit: 4157

- b. they are "system" claims yet are improperly dependent upon a "method" claim.

Appropriate correction is required.

13. Claim 10 is objected to because of the following informalities: "using" is an inappropriate tense of the verb "to use." The claim should state "use." Appropriate correction is required.

14. Claim 12 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

15. Claim 13 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.



Art Unit: 4157

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 - 3 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Business Editors and Computer Writers, "QAD'S MFG/PRO Version 8.6 Delivers Greater Supply Chain Support, Faster ERP Results and Key Features for Targeted Industries," Business Wire, 30 March 1998 (hereinafter referred to as "QAD"), in view of the business practices of www.Amazon.com (hereinafter referred to as "Amazon") as of December 12, 1998.

3. Claim 1 is a method for proactive global trade and logistics management which employs a centralized global multi-lingual data repository schema comprising data for generating trade, finance, and transportation documents, transmissions to government authorities, an executable plan for movement of goods, tracking performance of orders and deliveries, verifying national security and compliance with regulations. QAD teaches software for supply chain

Art Unit: 4157

operations which can be used either with a central database, or with a distributed database. Claim 1 utilizes the method of inputting and storing time sensitive and constant pre-classified and other pre-existing data necessary for all trade, finance, and logistics processes on the product/catalog/SKU level. The nature of databases is such that they must be created by inputting the necessary data. Claim 1 also states the data must be maintained and used for automation of trade, finance, and logistics processes. QAD teaches the use of the data for these processes. Claim 1 further states actual trade, finance and logistics data must be collected and inputted to the management system, said data being derived by an automated process from real enterprise data at the points of origin. QAD also teaches these features, as did many databases known to the ordinary person skilled in the art at the time of the invention. Claim 1 also requires monitoring, verifying, and requesting missing mandatory said input data.

QAD does not explicitly disclose these aspect. However, most databases required this feature. Amazon teaches a process of registering to buy and buying a product requires the customer to enter information in

Art Unit: 4157

certain fields and does not allow the customer to proceed without entering data in the required fields, which information is entered into a database. Claim 1 also utilizes ping data selectively for determining if and/or when the executable workflow is to be revised during said period of execution by said managing system, such that, depending upon a magnitude of change, as represented by said input managing data, to said executable plan, said managing modules are selectively employed as well as requires notification of related participants of changing conditions based on said determining. This was also a common database feature. Amazon's website also demonstrated this feature. If the user chose, for example, that he was a new customer, the user could then open an account, or if he chose that he was a returning customer, he would proceed to a different form which required him to complete his order. The customer was thereby notified.

Considering QAD and Amazon as a whole, it would have been obvious to one skilled in the art at the time of the invention to provide a more complete global trade and logistics management system.

Art Unit: 4157

4. Claim 2 is dependent on claim 1; therefore, the rejection of claim 1 is incorporated herein. Claim 2 further requires using pre-existing and the input data to determine the most effective rates, carriers, routes, and sources of goods. QAD teaches this - the Distribution Resource Planning (DRP) aspect of QAD enables customers to balance supply and demand between their sites. The module allows the creation of intersite requests, manages shipment schedules, and moves goods at standard costs, which implies the determination of the most effective rates, carriers, routes, and sources.

5. Claim 3 is dependent on claim 2; therefore, the rejection of claim 2 is incorporated herein. Claim 3 requires using pre-existing data as well as the input data to calculate consolidation, deconsolidation, transportation requirements, and delivery methods. QAD teaches this in its EOP module, which provides a comprehensive view of global supply and demand across multiple manufacturing and distribution facilities, and allows the balancing of resources across the global supply chain, creating operations plans considering all constraints, including cost and transportation.

6. Claim 10 is dependent on claim 2; therefore, the rejection of claim 2 is incorporated herein. Claim 2 further requires storing transportation and managing information. QAD teaches this - the Distribution Resource Planning (DRP) aspect of QAD enables customers to balance supply and demand between their sites. The module allows the creation of intersite requests, manages shipment schedules, and moves goods at standard costs, which implies the not only the determination of the most effective rates, carriers, routes, and sources, but also the storage of said information.

**7. Claims 4 - 8 and 11 - 16 are rejected under 35 U.S.C. 103(a) as unpatentable over QAD in view of Amazon as applied to claims 1 - 3 above, and further in view of Pool et al, US 6460020 (hereinafter Pool).**

Claim 4 is dependent on claims 1, 2, or 3; therefore, the rejections of claims 1, 2, and 3 are incorporated herein. Claim 4 further requires the use of product and said input data to generate export trade, finance, and logistics documents, determine and verify compliance requirements and electronically transmit cross-border compliance and security data to respective national government authorities, pay regulated fees and taxes, and

Art Unit: 4157

obtain rights of passage of goods. QAD in view of Amazon does not explicitly teach the above aspects. Pool, in paragraphs 31 through 33 describes generating export trade, finance, and logistics documents which determine and verify compliance requirements and electronically transmit cross-border compliance and security data to respective national government authorities, pay regulated fees and taxes, and obtain rights of passage of goods.

Considering QAD, Amazon and Pool as a whole, it would have been obvious to one skilled in the art at the time of the invention to provide a more complete global trade and logistics management system.

8. Claim 5 is dependent on claims 1, 2, 3, and 4; therefore, the rejections of claims 1-4 are incorporated herein. Claim 5 requires using said product and input data managing information to calculate and continuously upgrade estimated and actual landed costs and tracking information. Pool teaches, in paragraphs 36-38, the use of stored information to calculate and update the customer regarding costs and tracking information. It would have been obvious to one skilled in the art at the time of the invention to combine Pool with QAD and Amazon, in order to provide a more complete global trade and logistics management system.

9. Claim 6 is dependent on claims 1 and 4; therefore, the rejections of claims 1 and 4 are incorporated herein.

10. Claim 6 requires implementing a revised executable workflow in response to "if...then" rules imposed on the input managing data. A person having ordinary skill in the art at the time of the invention would have been aware of the utility of if...then rules as used in database applications. The Information Access reporting tools taught by QAD which give manufacturers strategic decision support capability across the enterprise could result in the revision of executable workflows in response to rules imposed on the management data, which, as a person of ordinary skill in the art would know, utilize if...then statements. It would have been obvious to one skilled in the art at the time of the invention to combine Pool with QAD and Amazon, in order to provide a more complete global trade and logistics management system.

11. Claim 7 is dependent on claim 1; therefore, the rejection of claim 1 is incorporated herein. Claim 7 further requires using the management system for generating the executable workflow controlled by managing events, statuses, and binding documents. Pool, in paragraph 36 teaches the management of international shipping via its

Art Unit: 4157

database system through managing events, statuses, and binding documents. It would have been obvious to one skilled in the art at the time of the invention to combine Pool with QAD and Amazon, in order to provide a more complete global trade and logistics management system.

12. Claim 8 is dependent on claim 7; therefore, the rejection of claim 7 is incorporated herein. Claim 8 further requires monitoring the executable workflow to accommodate any number of scheduling new managing events, statuses, or binding documents changing the time, and updating a previously scheduled time. Pool, in paragraphs 36-38 teaches updating a scheduled delivery of a product, as well as updating status and binding documents. It would have been obvious to one skilled in the art at the time of the invention to combine Pool with QAD and Amazon, in order to provide a more complete global trade and logistics management system.

13. Claim 11 is dependent on claim 3; therefore, the rejection of claim 3 is incorporated herein. Claim 11 further requires using said logistics information to generate and distribute documents automatically and file security data electronically. Pool, in paragraph 36, teaches the generation and distribution of such materials



Art Unit: 4157

by the system to the appropriate customs authority. It would have been obvious to one skilled in the art at the time of the invention to combine Pool with QAD and Amazon, in order to provide a more complete global trade and logistics management system.

14. Claim 12 fails to further limit claim 4; therefore, the rejection of claim 4 is incorporated herein.

15. Claim 13 fails to further limit claim 5; therefore, the rejection of claim 5 is incorporated herein.

16. Claim 14 is dependent on claims 1 and 4; therefore, the rejections of claims 1 and 4 are incorporated herein.

Claim 14 requires using a means for implementing a revised executable workflow in response to "if...then" rules imposed on the input managing data. A person having ordinary skill in the art at the time of the invention would be aware of the utility of "if...then" rules as used in database applications. The Information Access reporting tools by QAD teaches a means for giving manufacturers strategic decision support capability across the enterprise could result in the revision of executable workflows in response to rules imposed on the management data, which, as a person of ordinary skill in the art would know, utilize if...then statements. It would have been obvious to one

Art Unit: 4157

skilled in the art at the time of the invention to combine Pool with QAD and Amazon, in order to provide a more complete global trade and logistics management system.

17. Claim 15 is dependent on claim 1; therefore, the rejection of claim 1 is incorporated herein. Claim 15 further requires using a means for the management system for generating the executable workflow controlled by managing events, statuses, and binding documents. Pool, in paragraph 36 teaches a means for the management of international shipping via its database system through managing events, statuses, and binding documents. It would have been obvious to one skilled in the art at the time of the invention to combine Pool with QAD and Amazon, in order to provide a more complete global trade and logistics management system.

18. Claim 16 is dependent on claim 7; therefore, the rejection of claim 7 is incorporated herein. Claim 16 further requires a means for monitoring the executable workflow to accommodate any number of scheduling new managing events, statuses, or binding documents changing the time, and updating a previously scheduled time. Pool, in paragraphs 36-38 teaches a means for updating a scheduled delivery of a product, as well as updating status

and binding documents. It would have been obvious to one skilled in the art at the time of the invention to combine Pool with QAD and Amazon, in order to provide a more complete global trade and logistics management system.

**19. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over QAD in view of Amazon as applied to claim 1 - 3 and further in view of Heney, William (1998), "Oracle Security," O'Reilly (hereinafter Heney).**

In addition to the claims of claim 1, claim 9 further describes many normal database functions. A person of ordinary skill in the art would have been aware of these database functions at the time of invention. Heney describes these various functionalities of the Oracle database in chapter one of his book. It would have been obvious to combine QAD with Amazon and with Heney, in order to have a fully functional database suitable for the purposes of integrated trade and logistics management.

***Conclusion***

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 20030065949 A1; US 5968110; US 20030069819 A1.

Art Unit: 4157

**Contact Info**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CARRIE STRODER whose telephone number is (571)270-7119. The examiner can normally be reached on Monday - Thursday 7:00 a.m. - 5:00 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vu Le can be reached on (571)272-7332. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 4157

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CARRIE STRODER, J.D., B.C.L./  
Examiner, Art Unit 4154

/Vu Le/  
Supervisory Patent Examiner, Art Unit 4154